GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - Pay and Accounts Office - Sri A .Ganesh Kumar, Joint Pay and Accounts Officer (Retired) – Article of charges framed- Dropping of further action & release of annual Grade Increment due on 01-03-2019 –Orders- Issued.

FINANCE (ADMN-II-DWA,PAO) DEPARTMENT

G.O.Rt.No. 161 **Date:10-08-2023**

Read the following:-

Ref:1. G.O.Ms.No.61,Finance (Admn.II) Department, dt. 20-04-2017.
2. Interim Orders of APAT in O.A.No.3217 of 201, dt.28-11-.2017.
3. G.O.Ms.No.1731,Finance (Admn.II) Department, dt. 03-08-2017.
4. APAT Order further in VMA. No.50/2018 in the O.A. No. 3217/2017 with C.A. No. 3/2018, dt 23-4-2018
5. G.O.Ms.No. 109, Finance (Admn.II-DWA-PAO) Department, dt. 20-07-2018.
6. Common Orders of APAT in O.A.No.3217 of 2017 with C.A No 3 of 2018 & VMA No 50 of 2018 and OA No. 1582 of 2018 with VMA No 253 of 2018 dated 28-01-2019.
7. Hon'ble High Court Orders in WP No.10974 of 2019, dt.12-09-2019.
8.PAO e.file No FIN05-11027/5/2020-ADMINISTRATION SEC-PAO

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O R D E R :

In the reference first read above, article of charges are framed against Sri A .Ganesh Kumar, Joint Pay and Accounts Officer, O/o Pay and Accounts Officer, on allegation of giving consent to the Sri Kamalanathan Committee for allocation of the distribution of the staff between the Andhra Pradesh and the Telangana State without obtaining consent from the Government.

2. Aggrieved by above, Sri A .Ganesh Kumar, Joint Pay and Accounts Officer O/o Pay and Accounts Officer, has filed the OA No 3217 of 2017 & the Hon'ble APAT in its interim orders in the reference second read above has directed to consider the case of the applicant for promotion to the post of Pay and Accounts Officer, without reference to the Charge Memo issued vide first read above.

3. In the reference third read above, Government have appointed an Inquiry Authority to inquire into charges framed against Sri A. Ganesh Kumar, Joint Pay and Accounts Officer vide the reference first read above, & after following the due procedure, vide the reference fifth read above imposed a minor penalty of "withholding of one increment of pay without cumulative effect" against the charged Officer i..e, Sri A .Ganesh Kumar, Joint Pay and Accounts Officer.

4. Aggrieved by the charge memo and punishment order, the individual filed OA No. 1582 of 2018, seeking to set aside the orders and further sought direction to consider promotion. The Hon'ble APAT in the common Orders vide the reference sixth read above, has set aside the charge memo and the punishment order & directed to consider the case of the applicant for promotion to the post of Pay and Accounts Officer.

5. While the matter stood this, the Department Promotional Committee met on 31-07-2018 for the panel year 2017-18, for promotion to the post of Pay and Officer, has opined & recommended that the officer is unfit for promotion.

6. Assailing, the common order dated 28-01-2019 of the APAT in OA Nos. 3217 of 2017 and OA No.1582 of 2018, the Government has filed WP No.10974 of 2019 before the Hon'ble High Court.

(P.T.O)

7. The Hon'ble High Court in the reference seventh read above has dismissed the Writ Petition filed by the Government .The following is the operative portion of the Hon'ble High Court

> " Though an effort is made by the learned Government Pleader to bring the charges within the parameters of Rule 3 (4) of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, this Court is of considered opinion, having regard to the discussion undertaken supra, that a punishment imposed against the applicant/1st respondent herein cannot be sustained in the eye of law. It is also a settled principle of law that unless the impugned action/order suffers from jurisdictional error, patent perversity and passed in violation of principles of natural justice, a writ in the nature of writ of Certiorari cannot be issued in exercise of jurisdiction conferred on this court under Article 226 of the of Constitution of India."

8. While the matters stood thus, Sri A. Ganesh Kumar, Joint Pay and Accounts Officer, has retired from service on 30-09-2019 and filed the CC No 126/2020 for non-implementation of WP 10974/2019 and the Pay & Accounts Officer in the reference eighth read above has requested to release the annual grade increment due on 01-03-2019 in r/o Sri. A. Ganesh Kumar, Joint PAO (Retd) in view of the orders of the Hon'ble High Court of AP in WP 10974/2019, which were stopped due to implementation of the G.O.in the reference fifth read above.

9. The Government have taken up a holistic examination of the entire record and the issues involved. Thereupon, it is concluded that it is necessary to release the pending annual grade increment due on 01-03-2019 to Sri. A. Ganesh Kumar, Joint PAO (Retired), in view of the orders of the Hon'ble AP High Court in the WP 10974/2019, and further that filing of an appeal on the orders of the Hon'ble High Court may not serve any fruitful purpose and that the balance of convenience lies in dropping further action in the disciplinary case. Further, the question of promotion as PAO does not arise at this juncture & he is also not eligible for notional promotion, since no junior to him got promotion as PAO.

10. Government after careful examination is hereby ordered to drop further action in the disciplinary case instituted against Sri. A. Ganesh Kumar, Joint PAO (Retired) & to release the pending annual grade increment due on 01-03-2019 to Sri. A. Ganesh Kumar, Joint PAO (Retired), in view of the orders of the Hon'ble AP High Court in the WP 10974/ 2019.

11. The Pay and Accounts Officer, AP is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Pay and Accounts Officer, Mangalgiri
Copy to
Sri. A. Ganesh Kumar, Joint PAO (Retired), through the Pay and Accounts Officer, Mangalgiri
The Accountant General, A.P Vijayawada
SF/SCs(1142788)

//FORWARED :: BY ORDER//

SECTION OFFICER